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Chairman: Mr. JALLOW (Gambia)
(Vice-Chairman)

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In the absence of Mr. Krenkel (Austria), Mr. Jallow (Gambia), Vice-Chairman, took the Chair

The meeting was called to order at 10.15 a.m.

AGENDA ITEM 96: REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, QUESTIONS RELATING TO REFUGEES, RETURNEES AND DISPLACED PERSONS AND HUMANITARIAN QUESTIONS (continued) (A/47/131, 178, 280, 296, A/47/351-S/24357, A/47/364, 365, 391, 564, 569 and A/47/638-S/24772)

(a) REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (continued) (A/47/12 and Add.1)

(b) QUESTIONS RELATING TO REFUGEES, RETURNEES AND DISPLACED PERSONS (continued) (A/47/91-S/23585, A/47/529 and Corr.1)

(c) HUMANITARIAN QUESTIONS (continued) (A/47/352, A/47/420-S/24519, A/47/455-S/24571 and A/47/540)

1. Mr. WILLIS (Australia) said that, in response to increasing and more complex movements of people, including many who were not refugees within the terms of the 1951 Convention relating to the Status of Refugees, the Office of the United Nations High Commissioner for Refugees (UNHCR) had moved towards a broader humanitarian role. The new circumstances required an enhanced response capacity. However, while credit was due to UNHCR for its new three-pronged strategy of emergency preparedness, prevention and solutions and its search for practical ways of implementing the strategy, careful attention must be given to defining UNHCR's role in accordance with its resources, emphasizing maximum impact by focusing on activities for which it was best equipped, bearing in mind the need for effective response and rapid withdrawal. Moreover, the Under-Secretary-General for Humanitarian Affairs had an essential role to play, both in coordinating institutional arrangements and in mobilizing political commitment.

2. Australia attached great importance to the question of international protection, as presented by UNHCR at the forty-third session of the Executive Committee of the High Commissioner's Programme. In developing the two crucial approaches of prevention and temporary protection, UNHCR must enhance its efforts to make all its mainstream programmes fully responsive to the needs of women and children.

3. UNHCR was to be applauded for its part in the substantial progress being made in voluntary repatriation, for example in Cambodia, elsewhere in South-East Asia through the Comprehensive Plan of Action for Indo-Chinese Refugees, in Afghanistan, and in Central America through the process set in motion by the International Conference on Central American Refugees (CIREFCA). In other parts of the world, however, critical refugee situations raised daunting challenges, notably in the former Yugoslavia, the Horn of

(Mr. Willis, Australia)

Africa and on the Myanmar-Bangladesh border. With reference to the latter, Australia had urged the Myanmar Government to facilitate the early and safe return of the refugees currently in camps in Bangladesh, and hoped that the Myanmar authorities would recognize the usefulness of a United Nations presence.

4. Concerted international responses, based on partnership between UNHCR and the international community and on renewed political commitment by all, were needed, and Australia would continue to assist the Office by maintaining a strong resettlement programme and providing financial and material assistance.

5. Mr. SNEGUR (Republic of Moldova) underscored the gravity of the problem of displaced persons in his country resulting from the conflict in the eastern region of the Republic stirred up by forces from outside the country and aggravated by the presence of the 14th Army of the Russian Federation. While the number of displaced persons had dropped after the cessation of military action, there were currently 2,800 registered displaced persons and a large number of United Nations registered ones. The problem affected more than 40 towns and villages, mostly in the eastern region. In the zone of conflict, there had been an increase in crime and violence against the native, Romanian-speaking Moldovan population, which was a minority in that area.

6. His Government was doing everything possible to improve the situation of the displaced persons and had established a State commission which provided them with housing, food, medical care and schooling. He expressed appreciation to the governmental and non-governmental organizations of many countries, particularly the United States, Canada, Romania, Hungary, Ukraine and Germany, for their support.

7. Those measures, however, would not solve the problem. Many families were still without housing and 1,200 persons capable of working remained unemployed. In order to protect their constitutional rights, the legislative bodies of the Republic were discussing a draft law defining the rights and duties of the authorities and the displaced persons.

8. Owing to the aggravated social and political situation in the countries that had comprised the former Soviet Union, a large number of nationals of those countries had recently arrived in the Republic of Moldova and requested refugee status. UNHCR should discuss that problem with the countries concerned and encourage them to sign the 1951 Convention relating to the Status of Refugees. Lastly, he reiterated his country's request for assistance from the Office in order to resolve the situation in an appropriate manner.

9. Mr. DEKANY (Hungary) agreed with UNHCR on the need to maintain the issue of refugees and displacement on the political agenda while preserving UNHCR's non-political and humanitarian approach, and to formulate policies aimed at contributing to the mutual reinforcement of political and humanitarian action. Although UNHCR was to be commended for its innovative approaches, the

(Mr. Dekany, Hungary)

United Nations institutional response to humanitarian emergencies was not adequate to meet the broader challenges now faced. A global response involving the political, humanitarian and human rights elements of the United Nations system was needed.

10. A welcome trend in 1992 had been the increase in voluntary repatriation. Coordinated early warning and preventive diplomacy were key factors in the future strategy. The stronger country-of-origin focus might, however, be eroded by the lack of an adequate response capacity, whence the need for much closer intersectoral coordination within the United Nations, particularly in addressing human rights violations. Violations of minority rights, including moves to create ethnically homogeneous areas through "ethnic cleansing", were a particular cause of concern. An international presence was an essential element of prevention, and might usefully include on-site monitoring following the identification of human rights abuses.

11. In that context, closer cooperation was needed between UNHCR and United Nations human rights machinery. The information available to the Commission on Human Rights might be especially relevant to UNHCR early-warning activities. A mechanism for feedback between UNHCR and United Nations human rights monitoring mechanisms might also be considered. Hungary therefore fully supported the ideas for a preventive strategy submitted by UNHCR to the Commission on Human Rights.

12. Humanitarian and human rights considerations must be incorporated into political decision-making. UNHCR needed the active support and cooperation of the political arms of the United Nations, and the lead-agency concept should be further developed.

13. Hungary, a new member of the Executive Committee of the Programme, provided protection and shelter for over 120,000 refugees, and was fully committed to fulfilling its obligations under the 1951 Convention and its 1967 Protocol. At the turn of the decade, Hungary had received over 50,000 refugees, mainly from Romania, and was now affording temporary protection to another 80,000 asylum-seekers from the former Yugoslavia. Despite limited resources, the Hungarian Government and people had given unstintingly. With bleak prospects for voluntary repatriation or resettlement in third countries, increasing numbers were contemplating local settlement.

14. Hungary was committed to modernizing its asylum legislation and creating conditions conducive to the withdrawal of its reservation on territorial restriction under the 1951 Convention. Hungary was grateful for the assistance provided by the European Community, individual donor countries and, in particular, UNHCR, as a vital complement to its own efforts to alleviate the plight of refugees and a prerequisite for the pursuit of its open refugee policy. The Hungarian Government was seeking agreements on voluntary repatriation, as in the current negotiations between Croatia, Hungary and UNHCR. It regretted that there had so far been no follow-up by Serbia to a similar initiative.

(Mr. Dekany, Hungary)

15. There were some less well-known but potentially explosive aspects of the tragic situation in the former Yugoslavia. The Serbian plan to resettle tens of thousands of Serbs, under the guise of "refugee resettlement", in areas of Vojvodina and Slavonia inhabited by ethnic Hungarians, was clearly aimed at forcibly changing the ethnic composition of those territories. Homes whose inhabitants had been forced to flee had been occupied. The international community should take firm action to counter those violations, which might engender new refugee flows. The non-recognition of the validity of property transfers as a result of "ethnic cleansing" should be included in future remedies.

16. Hungary fully supported UNHCR's efforts to ensure effective preventive protection of refugees, and commended the results already achieved in Croatia and certain areas of Bosnia and Herzegovina. It would continue to contribute to the international community's efforts in assisting refugees.

17. Mr. MARUYAMA (Japan) expressed his Government's strong commitment to UNHCR, given that the unprecedented flow of refugees was crucial to international peace and security. Japan would continue to be a major donor to UNHCR and intended to cooperate with United Nations activities by providing both personnel and relief supplies, within the framework of recently adopted legislation.

18. In regard to the Indo-Chinese refugee problem, Japan granted first asylum to boat people and accepted Indo-Chinese refugees who wished to be resettled and were able to support themselves. Temporary asylum had been granted to 13,600 boat people and the right of permanent residence had been granted to nearly 8,500 Indo-Chinese refugees.

19. He welcomed the substantial progress made in voluntary repatriation in South-East Asia, South-West Asia and southern Africa, and was highly appreciative of UNHCR's role in that process. Recognizing that voluntary repatriation was the most desirable solution, it had made a substantial contribution to UNHCR programmes in those regions, with further contributions planned. Voluntary repatriation must be followed up by successful reintegration, rehabilitation and reconstruction. Since such matters lay outside UNHCR's competence, closer coordination was needed among concerned agencies, non-governmental organizations and Governments.

20. While commending UNHCR's relief operations, especially in the former Yugoslavia, and appreciating the massive scale of new refugee problems, he urged caution in expanding UNHCR's mandate beyond its traditional areas of activity in view of the Office's limited resources. The need for a more extensive sharing of roles with other humanitarian organizations should be explored. UNHCR, the Under-Secretary-General for Humanitarian Affairs, the Department of Humanitarian Affairs and other humanitarian organizations were urged to continue to work together closely in order to respond in a coordinated and effective manner. In conclusion, he reaffirmed Japan's steadfast commitment to the humanitarian goals pursued by UNHCR.

21. Mr. SARDENBERG (Brazil) said that the huge flows of refugees in many regions of the world had again highlighted the growing need for concerted international action to protect and assist asylum-seekers, especially in the Horn of Africa and Europe. The continued work of UNHCR was fully warranted in view of the dangers of intolerance and xenophobia. In addition to ensuring legal protection, UNHCR should promote a broader public understanding of the tragedy of refugees and their right to seek asylum abroad. Durable solutions, notably voluntary repatriation, should form part of the long-term approach.

22. Equally, the prevention of humanitarian crises was an important factor, encompassing virtually every item on the international agenda. A continuum between relief and development was a basic concern; economic development, through the attainment of higher living standards, enhanced the capacity to withstand hardship and to respond to external shocks without their generating outflows of refugees. The task of prevention therefore clearly extended far beyond the mandate of any individual United Nations agency. In the case of UNHCR, it was a matter of how to take prevention initiatives and yet simultaneously maintain its protection mandate and impartiality. His delegation believed that actual experience should stand as the criterion in each particular case, and concurred with the High Commissioner that presence on the ground often constituted prevention.

23. Recent international developments had demonstrated the crucial importance of securing the cooperation of all concerned parties with a view to providing safe access and prompt assistance to victims in emergency situations, where humanitarian norms were frequently eroded. Brazil was therefore committed to helping ensure that international humanitarian law was observed. Furthermore, it was clear from recent General Assembly resolutions that humanitarian action - by definition impartial and non-contingent on the solution of political problems - should remain entirely neutral. Similarly, the urgent task of ensuring safe and appropriate working conditions for relief workers, which required resolute action, could not be equated with promoting solutions to problems of conflict. However, political settlements were more likely to be achieved as a result of the greater trust which basic humane standards of behaviour tended to create. Finally, he stressed the responsibility of the international community to continue improving the effectiveness of the United Nations system, in which UNHCR was a major and unique element.

24. Mr. ADALA (Kenya) noted that, in view of new mass exoduses, the overall refugee situation in Africa had not improved. He voiced particular concern over the current havoc wrought in the Horn of Africa by civil strife and drought. No African host country was in a position to fulfil its moral obligation to cope with sudden heavy influxes of refugees; in Kenya, the number of refugees, excluding those not officially registered, was now 20 times greater than in 1989. Up to 1,000 new refugees arrived every day, often in an appalling condition. Most were accommodated in camps in arid areas with a poor infrastructure. Humanitarian operations were therefore costly, placing an additional strain on resources. Indeed, without the assistance of intergovernmental and non-governmental organizations, Kenya would have been unable to cope.

(Mr. Adala, Kenya)

25. He welcomed the new cross-mandate, cross-border operations to provide non-discriminatory assistance to refugees, returnees, displaced persons and affected local populations, which had helped to dispel any ill-feeling among the latter. In addition to relief delivery, emergency responses entailed balancing the interests of host States aand asylum-seekers, while the role of affected States in humanitarian assistance was as significant as that of intergovernmental and non-governmental organizations. Kenya had provided such assistance to victims and facilitated the work of those organizations. Essentially man-made, the root causes of refugee problems had to be addressed; the situation of jeopardizing lives and subsequently asking for international humanitarian assistance could no longer be tolerated.

26. Mr. GOSHU (Ethiopia) said that in addition to the 1 million Somali and 17,000 Sudanese refugees his country was hosting, 450,000 Ethiopian refugees were returning from Somalia to escape the bloody civil conflict in that country. Coordinated efforts of United Nations agencies and non-governmental organizations had resulted in several life-saving operations being launched. The influx of Somali refugees and asylum-seekers had been large and sudden; a campaign had been undertaken to register them and persuade them to go to the refugee camps to receive assistance.

27. There were 10 million people in dire straits in his country, 8 million drought victims, displaced persons and demobilized soldiers. The task of providing assistance to those refugees was formidable and could not be accomplished by any single Government or agency.

28. Mr. VON DER LILIE (Austria) said that his Government continued to support the High Commissioner in her task to enhance the agency's performance capabilities and believed that the strategic three-point plan provided an appropriate approach to cope with the deteriorating situation in many parts of the globe. His Government considered that UNHCR's response capacity was currently the most efficient in the whole United Nations system. For the first time in the history of the Organization, the total volume of assistance would exceed $1 billion. Despite concerns about the proliferation of special programmes and apparent shortcomings in coordination, his Government encouraged UNHCR to continue its programmes using innovative approaches such as cross-border and cross-mandate operations. He noted that the main activities of the Office seemed to be shifting from its traditional role of protecting individual refugees towards providing humanitarian assistance to entire populations of people on the move. His Government welcomed that development but also stressed the importance of enhancing the concept of refugee rights and duties.

29. The increased focus on women and children, who constituted 80 per cent of the world refugee population, was commendable. His Government, mindful of the importance of voluntary repatriation, had contributed to a number of repatriation operations; however, prevention was preferable. It was the responsibility of countries of origin to ensure the political, legal and

(Mr. Von Der Lilie, Austria)

economic well-being of their nationals. As human rights violations were an important cause of refugee movements, his delegation encouraged the Office to pursue its increasingly close cooperation with the Commission on Human Rights and the Centre for Human Rights, in particular in preparation for the 1993 World Conference on Human Rights.

30. In order to ensure the functioning of the asylum system, a clear distinction should be made, both nationally and internationally, between migrants and refugees. UNHCR should continue to cooperate with receiving countries with a view to strengthening the asylum system.

31. It was regrettable that the refugee situation in the former Yugoslavia, which the High Commissioner had qualified as the most serious in Europe since the Second World War, did not figure more prominently in her report. The armed conflict was causing untold suffering and more than 3 million people had been displaced. Tens of thousands faced indiscriminate ill-treatment and even summary executions. The delivery of assistance was hampered by a serious lack of security.

32. His delegation appealed to the members of the Steering Committee of the London Conference to intensify action in the political field so as to enable UNHCR, the International Committee of the Red Cross (ICRC) and non-governmental organizations to obtain unhindered access to the civilian victims of the conflict. He expressed his delegation's deep appreciation to the High Commissioner for having convened the International Meeting on Humanitarian Aid for Victims of the Conflict in the Former Yugoslavia in July and for having proposed the Comprehensive Response to the Humanitarian Crisis.

33. Temporary protection was a key element of response, and was being applied to over 60,000 displaced persons from Bosnia and Herzegovina in his country. The setting of regional guidelines for temporary protection, including a system of equitable burden-sharing, would help to accelerate resettlement.

34. Regarding the question of detainees, it was deplorable that none of the parties to the conflict had provided ICRC with a complete list of places of detention and the names of those detained. His country had agreed to accept an additional 200 refugees and had provided funds in excess of $100 million for an extensive programme of humanitarian assistance.

35. Since the United Nations could not solve all problems alone, a pooling of resources and an efficient division of labour coupled with measures to further self-reliance was indispensable and should make up the primary task of the new Department of Humanitarian Affairs. A certain streamlining of its activities was called for. His delegation wished to echo the appeal made by the President of the International Fact-Finding Commission, established under article 90 of Protocol I Additional to the 1949 Geneva Conventions, to accept the Commission's competence to inquire into allegations of serious violations of the Conventions and Protocol; it also supported the ICRC initiative to convene a conference to reaffirm respect for the 1949 Geneva Conventions.

36. Mr. BULL (Liberia) said that it was estimated that 50 per cent of the world's 18 million refugees were children, and it was therefore imperative that programmes should be implemented to provide for their development. Comprehensive programmes for refugee women were also needed. His delegation urged the international community to support the new initiatives outlined in the report of UNHCR for those two groups.

37. The African continent held the largest concentration of refugees, while the host countries were among the least developed in the world and lacked resources to meet their own national needs. Regrettably, the international community had not responded in Africa with the spontaneity and support accorded other regions of the world. Much remained to be done by the new Department of Humanitarian Affairs in implementing a coordinated approach. Implementation by Member States of the proposals outlined in the Secretary-General's report on humanitarian questions (A/47/540) would greatly enhance the Organization's ability to provide humanitarian assistance. In his delegation's view, the United Nations had a moral obligation to respond to emergencies whenever they occurred without fear or favour. The preservation of human life must become an overriding concern of the international community and should be made obligatory on the part of all Member States. The innovative approach of establishing relief corridors in emergency zones also deserved full acceptance by all Member States.

38. Regarding the situation of Liberian refugees and displaced persons, the human tragedy had been exacerbated by the resumption of armed hostilities. The war had resulted in the death of thousands of civilians and forced more than 665,000 Liberians to remain refugees in neighbouring countries and several hundred thousand to be internally displaced. The crisis in his country had seriously affected the entire subregion. His delegation renewed its request to Member States to support the United Nations appeal for additional assistance to meet the emergency in Liberia. Despite commendable strides in alleviating the suffering and meeting the needs of refugees on the part of the United Nations system, the yearly increase in the world's refugee population was a reminder of the need for concerted international action to address the root causes.

39. Mr. AHMED (India) said that, in future, there were likely to be increasing numbers of asylum-seekers fleeing from conflict or because their basic economic and social rights were denied. In order to contain the problem, peace and security must be restored and human rights must be respected in the countries of origin. Economic disparities must be eliminated through development.

40. The increase in terrorism and subversion also caused refugee flows. All States had a responsibility to refrain from supporting cross-border terrorist activities that might lead to such flows. India viewed voluntary repatriation as the lasting solution to the refugee problem and had adhered to that principle with regard to refugees in its own territory. The principle should be scrupulously upheld and no State should disregard it to meet its short-term needs.

(Mr. Ahmed, India)

41. The plight of the refugees in the former Yugoslavia was a matter for profound concern. Hundreds of thousands of persons had been displaced from their homes because of the conflict. India was outraged at the tragic events taking place in the Republic of Bosnia and Herzegovina and strongly condemned the criminal attacks against innocent civilians. The critical situation of the population required an urgent response by the international community. His Government appreciated the steps taken by UNHCR in assisting the victims of "ethnic cleansing" and supported the Office's stepped-up activities in the former Yugoslavia.

42. Resources were desperately needed to address refugee situations elsewhere in the world. The disaster in Somalia and refugee flows in other parts of Africa and in Asia should be dealt with urgently. India had received refugees from Sri Lanka and Afghanistan and expressed satisfaction with the assistance provided by UNHCR in repatriating refugees willing to return to Sri Lanka. Lastly, he expressed the hope that the international community would provide the Office with the resources to enable it to carry out its mandate.

43. Ms. STRÖM (Sweden) said that in spite of the refugee problem in Europe, particularly in the former Yugoslavia, the vast majority of the world's refugees were still in the third world and the major refugee-receiving countries were among the poorest. UNHCR should consider possible preventive action to avert massive flows, as well as programmes in the countries of origin to facilitate voluntary repatriation. Humanitarian diplomacy was an aspect of preventive protection; and special attention should be paid to the relationship between human rights violations and refugee crises.

44. States had the responsibility to promote respect for human rights and democratic institutions. In that context, the Office had an important role to play in the preparations for the 1993 World Conference on Human Rights. Its efforts to promote accession to the relevant international legal instruments were also very important. Accession to the conventions on statelessness should be carefully considered by States that were not parties to those instruments. Since most of the world's refugees were women and children, there was a need for universal ratification of the Convention on the Rights of the Child, which provided an important framework to meet the special needs of children.

45. It was widely recognized that the Office's mandate extended to persons forced to leave their countries because of armed conflict, civil disorder or violence. There were also situations where the Secretary-General or the General Assembly could call on UNHCR to provide humanitarian assistance to internally displaced persons. The Office should obviously respond to those requests.

46. The responsibility of the entire United Nations system with regard to humanitarian emergency assistance was laid down in General Assembly resolution 46/182. UNHCR, with its long experience, should play a major role in efforts to enhance cooperation and coordination among all relevant United Nations

(Ms. Ström, Sweden)

agencies in addressing emergency situations. An effective response must be based on a clear division of responsibilities among the relevant United Nations bodies and other organizations involved.

47. UNHCR had a long tradition of cooperation with non-governmental organizations, which could play a key role in emergency situations as implementing partners for the United Nations. Sweden commended that type of partnership and thought that other United Nations agencies could learn from UNHCR. Together with other countries, Sweden had tried to respond to the needs of UNHCR and over the years had steadily increased its contributions. Today it was vital to stress the need for burden-sharing among donors; it was no longer realistic to expect a few countries to assume most of the burden. Furthermore, the High Commissioner must have the necessary flexibility in allocating funds in order to respond to new situations.

48. In recent years there had been an upsurge in chauvinism, xenophobia, racism and anti-semitism. Efforts to combat those phenomena should include the elaboration of national and international legal instruments as well as information campaigns. Lastly, she expressed her Government's full support for the work of UNHCR in meeting the enormous challenges facing it.

49. Mr. BARUTWANAYO (Burundi) said that the refugee problem was a priority issue for the international community. The grave violations of human rights in various parts of the world must be dealt with urgently. However, there were better possibilities today of averting new flows of refugees and eliminating the root causes through democratization and respect for human rights.

50. Burundi had undergone tragic situations caused by ethnic divisions that had led to loss of human life and large-scale flows of refugees who had found asylum in neighbouring countries and elsewhere. For the past four years, however, his country had been engaged in a process of national reconciliation, which had resulted in the adoption of the Charter of National Unity.

51. His Government had established a national commission to reintegrate all refugees wishing to return and provide them with land, employment and health care. More than 30,000 refugees had already returned and others were on their way. Consultations had been conducted with the Government of the United Republic of Tanzania and UNHCR in order to organize their voluntary repatriation. Since that required extensive resources, his Government had sought assistance from friendly countries and international organizations. It wished to thank the countries and organizations involved, particularly the United Republic of Tanzania. Lastly, he commended the work carried out by UNHCR, the International Committee of the Red Cross and the Department of Humanitarian Affairs and called upon the international community to lighten the burden of host countries.

52. Mr. GALAL (Egypt) said that the continually worsening refugee situation, which his delegation had followed with concern, confirmed the serious challenges entailed in assisting refugees. He commended UNHCR's three-point strategy, as well as the High Commissioner's valuable proposals on protection. The effectiveness of the United Nations in eliminating the causes of the problem relied on cooperation, although all existing structures should be used before creating any new early-warning mechanisms. His delegation supported the cooperation between UNHCR and the Commission on Human Rights designed to curtail human rights violations and thereby prevent further refugee flows.

53. The conventional concept of refugees and persons needing protection should be less rigidly defined in order to assist the international community in alleviating suffering caused by natural disaster. The Refugee Convention of the Organization of African Unity could, for example, be used as a guideline in providing that broader definition, which, as recent events in the former Yugoslavia had shown, was urgently required.

54. As to the treatment of the problem, he commended UNHCR's collaboration with other United Nations agencies. In the search for a durable solution, the international community should tackle the economic, political, social and humanitarian causes through integrated action. His country, for its part, was committed to supporting UNHCR and all other organizations engaged in providing humanitarian assistance.

The meeting rose at 12.35 p.m.